

1 TO THE HONORABLE SENATE:

2 The Committee on Finance to which was referred Senate Bill No. 247
3 entitled “An act relating to prohibiting discrimination based on genetic
4 information” respectfully reports that it has considered the same and
5 recommends that the bill be amended by striking out all after the enacting
6 clause and inserting in lieu thereof the following:

7 * * * Genetic Information and Testing * * *

8 Sec. 1. 18 V.S.A. § 9331 is amended to read:

9 § 9331. DEFINITIONS

10 ~~For purposes of~~ As used in this chapter:

11 * * *

12 (6) “Genetic information” means the results of genetic testing related to
13 an individual or a family member of the individual contained in any report,
14 interpretation, evaluation, or other record ~~thereof~~.

15 * * *

16 Sec. 2. 18 V.S.A. § 9334 is amended to read:

17 § 9334. GENETIC TESTING AS A CONDITION OF INSURANCE

18 COVERAGE

19 (a) No policy of insurance offered for delivery or issued in this State shall
20 be underwritten or conditioned on the basis of:

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1 (4) ~~provide~~ Provide any valuable consideration or inducement not
2 specified in the policy.

3 (5)(A) Condition insurance rates, the provision or renewal of insurance
4 coverage or benefits, or other conditions of insurance for any individual on:

5 (i) any requirement or agreement of the individual to undergo
6 genetic testing;

7 (ii) genetic information of the individual that may be associated
8 with a potential genetic condition in that individual but that has not resulted in
9 a diagnosed condition in the individual; or

10 (iii) genetic information of a member of the individual’s family
11 that may be associated with a potential genetic condition in that family
12 member but that has not resulted in a diagnosed condition in the family
13 member.

14 (B) As used in this subdivision (5), “genetic testing” and “genetic
15 information” have the same meanings as in 18 V.S.A. § 9331.

16 (6) Request, require, purchase, or use information obtained from an
17 entity providing direct-to-consumer genetic testing without the informed
18 written consent of the individual who has been tested.

19 Sec. 4. 8 V.S.A. § 4724 is amended to read:

20 § 4724. UNFAIR METHODS OF COMPETITION OR UNFAIR OR

21 DECEPTIVE ACTS OR PRACTICES DEFINED

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1 (II) genetic information of the individual that may be
2 associated with a potential genetic condition in that individual but that has not
3 resulted in a diagnosed condition in the individual; or

4 (III) genetic information of a member of the individual's family
5 that may be associated with a potential genetic condition in that family
6 member but that has not resulted in a diagnosed condition in the family
7 member.

8 (ii) As used in this subdivision (7)(F), “genetic testing” and
9 “genetic information” have the same meanings as in 18 V.S.A. § 9331.

10 * * *

11 (22) Genetic testing.

12 (A) Conditioning insurance rates, the provision or renewal of
13 insurance coverage or benefits, or other conditions of insurance for any
14 individual on:

15 (i) any requirement or agreement of the individual to undergo
16 genetic testing; ~~or~~

17 (ii) genetic information of the individual that may be associated
18 with a potential genetic condition in that individual but that has not resulted in
19 a diagnosed condition in the individual; or

20 (iii) ~~the results of genetic testing information~~ of a member of the
21 individual's family ~~unless the results are contained in the individual's medical~~

1 ~~record~~ that may be associated with a potential genetic condition in that family
2 member but that has not resulted in a diagnosed condition in the family
3 member.

4 (B) As used in this subdivision (22), “genetic testing” ~~shall be~~
5 ~~defined as the term is defined~~ and “genetic information” have the same
6 meanings as in 18 V.S.A. § 9331(7) 9331.

7 Sec. 5. 8 V.S.A. § 5115 is amended to read:

8 § 5115. DUTY OF NONPROFIT HEALTH MAINTENANCE
9 ORGANIZATIONS

10 (a) Any nonprofit health maintenance organization subject to this chapter
11 shall offer nongroup plans to individuals in accordance with section 4080b of
12 this title without discrimination based on age, gender, industry, genetic
13 information, and medical history, except as allowed ~~by subdivisions~~
14 ~~4080a(h)(2)(B) and 4080b(h)(2)(B) of this title~~ pursuant to 33 V.S.A.
15 § 1811(f)(2)(A).

16 (b) As used in this section, “genetic information” has the same meaning as
17 in 18 V.S.A. § 9331.

18 Sec. 6. 8 V.S.A. § 8086 is amended to read:

19 § 8086. PREEXISTING CONDITIONS; GENETIC TESTING

20 * * *

1 (b)(1) No long-term care insurance policy or certificate may exclude
2 coverage for a loss or confinement ~~which~~ that is the result of a preexisting
3 condition, unless ~~such~~ the loss or confinement begins within six months
4 following the effective date of coverage of an insured person.

5 (2)(A) No long-term care insurance policy or certificate may condition
6 insurance rates, the provision or renewal of insurance coverage or benefits, or
7 other conditions of insurance for any individual on:

8 (i) any requirement or agreement of the individual to undergo
9 genetic testing;

10 (ii) genetic information of the individual that may be associated
11 with a potential genetic condition in that individual but that has not resulted in
12 a diagnosed condition in the individual; or

13 (iii) genetic information of a member of the individual's family
14 that may be associated with a potential genetic condition in that family
15 member but that has not resulted in a diagnosed condition in the family
16 member.

17 (B) As used in this subdivision (2), "genetic testing" and "genetic
18 information" have the same meanings as in 18 V.S.A. § 9331.

19 * * *

* * * Social and Medical Services * * *

Sec. 7. 8 V.S.A. § 4588 is amended to read:

§ 4588. ANNUAL REPORT TO COMMISSIONER

(a) Annually, on or before March 1, a medical service corporation shall file with the Commissioner of Financial Regulation a statement sworn to by the president and treasurer of the corporation showing its condition on December 31, which shall be in such form and contain such matters as the Commissioner shall prescribe. To qualify for the tax exemption set forth in section 4590 of this title, the statement shall include a certification that the medical service corporation operates on a nonprofit basis for the purpose of providing an adequate medical service plan to individuals of the State, both groups and nongroups, without discrimination based on age, gender, geographic area, industry, genetic information, and medical history, except as allowed by ~~subdivisions 4080a(h)(2)(B) and 4080b(h)(2)(B) of this title~~ pursuant to 33 V.S.A. § 1811(f)(2)(A).

(b) As used in this section, “genetic information” has the same meaning as in 18 V.S.A. § 9331.

Sec. 8. 8 V.S.A. § 4516 is amended to read:

§ 4516. ANNUAL REPORT TO COMMISSIONER

(a) Annually, on or before March 1, a hospital service corporation shall file with the Commissioner of Financial Regulation a statement sworn to by the

1 president and treasurer of the corporation showing its condition on
2 December 31. The statement shall be in such form and contain such matters as
3 the Commissioner shall prescribe. To qualify for the tax exemption set forth in
4 section 4518 of this title, the statement shall include a certification that the
5 hospital service corporation operates on a nonprofit basis for the purpose of
6 providing an adequate hospital service plan to individuals of the State, both
7 groups and nongroups, without discrimination based on age, gender,
8 geographic area, industry, genetic information, and medical history, except as
9 allowed by subdivisions ~~4080a(h)(2)(B) and 4080b(h)(2)(B)~~ of this title
10 pursuant to 33 V.S.A. § 1811(f)(2)(A).

11 (b) As used in this section, “genetic information” has the same meaning as
12 in 18 V.S.A. § 9331.

13 Sec. 9. 33 V.S.A. § 101 is amended to read:

14 § 101. POLICY

15 It is the policy of the State of Vermont that:

16 * * *

17 (3) Assistance and benefits shall be administered promptly, with due
18 regard for the preservation of family life, and without restriction of individual
19 rights or discrimination on account of race, religion, political affiliation,
20 genetic information, or place of residence within the State.

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* * * Effective Date * * *

Sec. 10. EFFECTIVE DATE

This act shall take effect on July 1, 2022.

(Committee vote: _____)

Senator _____

FOR THE COMMITTEE